

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2007-002017

08/21/2007

HONORABLE JEFFREY A. HOTHAM

CLERK OF THE COURT

I. Stewart

Deputy

IN RE THE MARRIAGE OF
KATHLEEN CECILIA GONZALES

SCOTT L PATTERSON

AND

MANUEL BALDERAS GONZALES

MANUEL BALDERAS GONZALES
5808 S 46TH PL
PHOENIX AZ 85040

DOCKET-FAMILY COURT CCC
FAMILY COURT SERVICES-CCC
TASC - PHOENIX

JUDGMENT/DECREE

Courtroom CCB 601

Prior to today's proceeding Petitioner's Exhibits 1 through 17 are marked for identification.

3:32 p.m. This is the time set for Trial regarding the Petition for Dissolution of Marriage filed March 23, 2007. Petitioner/Mother is present and represented by above named counsel. Respondent/Father is present on his own behalf.

A record of the proceedings is made by CD and/or videotape in lieu of a court reporter.

Kathleen Cecilia Gonzales and Manuel Balderas Gonzales are sworn.

Mother testifies.

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Petitioner's Exhibits 18 and 19 are marked for identification.

Petitioner's Exhibits 1 through 19 are received in evidence.

Father testifies.

The Court has considered the testimony and evidence presented and finds and concludes as follows:

THE COURT FINDS that at least one of the parties has been domiciled in the State of Arizona for more than 90 days immediately preceding the filing of the Petition; that the conciliation provisions of A.R.S. § 25-381.09, and the domestic relations education provisions of A.R.S. §25-352 either do not apply or have been met; that the marriage is irretrievably broken and there is no reasonable prospect for reconciliation.

IT IS ORDERED that the marriage heretofore existing between the parties is dissolved, and each party is returned to the status of a single person effective upon the signing and entry of this Decree.

THE COURT FINDS it is in the best interest of the minor children to award Mother sole legal custody, therefore,

IT IS ORDERED granting Mother sole legal custody of the parties' minor children, Frisco Gonzales, born October 9, 2000, and Dominic Gonzales, born January 3, 2003.

IT IS FURTHER ORDERED Mother shall provide medical insurance for the benefit of the parties' children, and the parties shall share the costs of medical, dental and vision expenses not paid by insurance as follows: Father: 45% and Mother: 55%.

IT IS FURTHER ORDERED that Manuel Balderas Gonzales (Father) shall undergo random drug testing on the following basis:

- A. Agency. Father's random drug testing shall be conducted at an approved TASC testing agency.
- B. First Test. Father shall report to TASC no later than **5:00 p.m. Friday, August 24, 2007**, for his first **Hair Follicle 5 drug test**.

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- C. Scope. Father shall undergo a full spectrum substance and drug test (Screen "A") for each test ordered herein.
- D. Cooperation. Father shall cooperate fully as reasonably required by the testing agency to comply with this Order, including:
1. Father shall provide such samples as are reasonably required by the testing agency to comply with this order.
 2. Father shall timely report for testing and provide samples as directed by the testing agency.
 3. Father shall present photo identification to the testing agency at the time of each test, along with any prescription medications currently being taken.
 4. Father shall sign and deliver such forms of consent, authorization and release of test results as shall be reasonably required by the testing agency to comply with this Order.
- E. Cost. Father shall pay the cost of his testing in money order or cashier's check at the time of testing.
- F. Frequency & Duration. Father shall be randomly tested not less than once per week until he has obtained 6 consecutive weekly negative urine tests. Thereafter, he shall be randomly tested twice monthly until he has obtained 6 additional negative tests (3 months). Thereafter, he shall be randomly tested once per month until he has obtained 3 further negative tests (3 months). Testing shall then be complete.
- G. Positive/Diluted/Missed Test. In the event that Father tests positive on any test, misses a random test, or provides a diluted test sample on any test, the cycle and frequency of testing set forth in paragraph F above, shall be started again with weekly tests. All parties are advised that the failure, neglect or refusal to participate in testing, or providing a diluted test sample at the time of testing, may be considered an admission by the party that the testing, if properly conducted, would have revealed the use of the substance(s) tested for, which finding is contrary to the best interest of a child.
- H. Reporting. The parties are hereby advised that test results ARE NOT confidential and will be filed in the Court file upon receipt by the Court. The results of each test shall be reported directly to counsel for both parties, or directly to the parties at the addresses

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provided by the parties to the testing agency, if unrepresented by counsel. The testing agency shall also provide this Court with a copy of each test result. **The testing agency also shall provide the Court and the parties, or counsel if represented, with a Color Compliance History Report at least 5 days prior to the next hearing / on a monthly basis.**

ISSUED: Court Ordered Substance Abuse Testing

IT IS FURTHER ORDERED adopting Mother's proposed parenting plan for Father, as outlined in Petitioner's Pretrial Statement filed August 16, 2007, as an order of the Court, conditioned upon Father continuing to undergo drug testing and remaining negative.

IT IS FURTHER ORDERED that upon the Court's receipt of a negative Hair Follicle Drug Test Father shall be awarded 3 hours of parenting time every Saturday from 1:00 p.m. to 4:00 p.m.

IT IS FURTHER ORDERED that upon the Court's receipt of a TASC report showing 6 negative urine tests in addition to the negative hair follicle test, Father shall be awarded parenting time every other weekend from Saturday at 10:00 a.m. to Sunday at 5:00 p.m.

IT IS FURTHER ORDERED awarding Father one week exclusive parenting time with the children during the summer.

IT IS FURTHER ORDERED Father shall inform Mother prior to May 15, what week he would like each summer.

IT IS FURTHER ORDERED that Father shall not transport the children by car until he obtains a legal drivers license and insurance for the vehicle.

IT IS FURTHER ORDERED that Father shall pay to Mother as and for child support the sum of \$624.94 per month, payable through the Support Payment Clearinghouse on the 1st day of each month commencing September 1, 2007 by Wage Assignment.

IT IS FURTHER ORDERED awarding judgment in favor of Mother and against Father in the sum of \$2,487.76 representing child support arrearages from May 1, 2007, plus interest thereon at the legal rate from the date of judgment until paid in full. This amount shall be offset from Father's share of the sale of the marital residence which Mother will buy out.

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IT IS FURTHER ORDERED awarding Mother the Buick Park Avenue, all household furniture, furnishings and appliances in her possession, all checking, savings and retirement accounts in her name.

IT IS FURTHER ORDERED awarding Mother as her sole and separate property the funds received as an inheritance during the marriage.

IT IS FURTHER ORDERED awarding to Father the 2001 GMC Sierra pickup, all household furniture, furnishings and appliances in his possession, and the requested items from Petitioner's Exhibit 1, to include the large screen TV, freezer, bike, CDs, metal shed, stove in the metal shed, computer monitors in the metal shed and wedding rings and other jewelry.

IT IS FURTHER ORDERED that Mother shall pay, and indemnify and hold Father harmless from, the credit card debts.

IT IS FURTHER ORDERED accepting Petitioner's figure of expenditure of sole and separate funds in the amount of \$11,000.00 to pay community obligations.

IT IS FURTHER ORDERED awarding Mother her IRA.

IT IS FURTHER ORDERED awarding Mother the marital residence.

IT IS FURTHER ORDERED that Mother shall pay the equalization payment of \$15,000.00 to Respondent on or before 30 days from this date.

IT IS FURTHER ORDERED that each party shall pay their own attorney fees and costs.

IT IS FURTHER ORDERED the parties shall exchange financial information every 24 months from today's date in order to address possible adjustments to the child support obligation.

Upon request of Mother,

IT IS ORDERED restoring Mother to her former name of Kathleen Cecilia DeBlasio.

IT IS FURTHER ORDERED that counsel for Mother shall draft a Quit Claim Deed for Father to sign at his law office before receiving the equalization check.

IT IS FURTHER ORDERED counsel for Mother shall submit a formal written order of Assignment, Current Employer Information Form, and Judgment Data Sheet.

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FILED: Exhibit Worksheet, Trial Worksheet, Child Support Worksheet

IT IS FURTHER ORDERED signing this minute entry as a formal order of this Court pursuant to Rule 81, Arizona Rules of Family Law Procedure (ARFLP).

/s/ Jeffrey A. Hotham

JUDICIAL OFFICER OF THE SUPERIOR COURT

5:05 p.m. Matter concludes.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/ssc/sschome.html>.